

## CHANGES TO PRIVATE HIRE LICENSING LAW

### Erewash Borough Council's responsibilities

Part II of the Local Government (Miscellaneous Provisions) Act, 1976, deals with the licensing of Hackney Carriage and Private Hire drivers, vehicles and Private Hire Operators. Erewash Borough Council has adopted the Act and has responsibility for all the licensing issues within the borough of Erewash.

Because of changes to this legislation the Council will be responsible for licensing a wide range of people which were previously exempt. People offering a driver passenger service with vehicle within the Erewash licensing district should contact the Licensing Office for advice to the changes in legislation that may affect them.

The Government has issued 'best practice guidance' which also has an effect on who should be licensed by Local Authorities.

### What has changed in the law?

The Road Traffic Safety Act 2006, Section 53, repealed the part of Section 75 of the Local Government (Miscellaneous Provisions) Act, 1976, which exempted certain categories of Private Hire drivers and vehicles from the need to be licensed if they conducted their business by having hire contracts of not less than 7 days.

The removal of the exemption has been done by the Government in the interests of the public safety, enabling Local Authorities to conduct suitability and safety checks on Private Hire drivers and vehicles who were offering this type of service.

There are a wide range of categories of drivers, vehicles and operators who were previously exempted but who will now need to be licensed from January 2008.

As a general guide they include executive hire, chauffeur, park and ride for private car parks, airport travel, and school to home services. Limousines and 'novelty vehicles' seated for no more than 8 passengers will also need to be licensed with an Authority. This is not an exhaustive list, but does highlight that those who were, or who thought they could avoid being licensed by using hypothetical seven day contracts, now must be licensed by the Local Authority for the area they operate in.

### Do I need to be licensed?

Not necessarily, please contact the Licensing Office 0115 907 2244 X 3120 who will advise accordingly.

### What benefits are there for me in being licensed?

If your business should be licensed under the new rules it will prevent you from working illegally and being prosecuted. As the proprietor of a business you will also know that your drivers will have undertaken Criminal Records Bureau vetting by the Council. Potential customers will feel more secure knowing that your business is licensed and subject to safety checks. Even if your vehicle is insured, if it is not being used in accordance with its issuing conditions it may become invalid and make you liable for prosecution.

### What fees and Conditions will there be on licences?

The key issue for the Council is public safety so vehicles and drivers will need to undertake the same safety checks as Taxi / Private Hire vehicles and the drivers.

For the driver these include a Group II standard medical, DVLA driving licence check and a Criminal Records Bureau check. All drivers will need to pass a Knowledge test; the test covers areas of the licensing conditions, the Highway Code and local topography. The Authority is also introducing the Driving Standards Agency Driving Assessment which shall be introduced in spring 2008.

For the vehicle, it will be necessary that all vehicles undertake a biannual test at the authorities testing depot. The vehicle depot test covers all areas that are tested on a standard MOT plus cleanliness checks and vehicle maintenance such as bodywork, marks, dents etc.

The Hackney Carriage/ Private Hire Vehicle Drivers Specifications and Conditions outlining the Licensing Policy for vehicles, drivers and operators can be obtained from the Civic Centre, Long Eaton or alternatively, contact the Licensing office on 0115 907 2244 x 3120 for a copy.

### What happens if I ignore this information and work unlicensed?

If you are affected by the law the legal obligation to be licensed rests with you. The consequences of operating unlawfully are significant. Erewash Borough Council conducts frequent enforcement activity with our partners Derbyshire Constabulary and neighbouring licensing departments. Offenders will be prosecuted where appropriate. Working whilst not licensed may attract a significant penalty and cost to the offender.

### When does the change in law come into effect?

Local Authorities have been given up to the 31<sup>st</sup> January 2008 to implement the new law.

### What do I need to do next?

Please contact the Licensing Office 0115 907 2244 X3120 who will advise accordingly.